

MD/FL 12B
(9/03)

United States District Court

for
Southern District of Georgia
Brunswick Division

2005 MAR 19 A 9:39



**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing, is Attached)

Name of Offender: Jeffrey Earnhardt

Docket Number: CR200-00038-003

Name of Sentencing Judicial Officer: Honorable Anthony A. Alaimo
United States District Judge

Date of Original Sentence: March 2, 2001

Original Offense: Possession with Intent to Distribute Cocaine Hydrochloride [21 U.S.C. § 841(a)(1)]

Original Sentence: 48 months imprisonment; three (3) years supervised release; substance abuse testing and treatment; 200 hours of community service; \$100.00 special assessment

Sentence modified: February 15, 2005: mental health treatment added as a special condition of supervised release by the Court.

Type of Supervision: Supervised Release Date Supervision Commenced: October 13, 2004

PETITIONING THE COURT

To modify the conditions of supervision as follows: You shall perform 50 hours of community service as directed by your United States Probation Officer. This community service obligation will be served in addition to your original community service obligation ordered in this case, as well as any community service hours performed as a sanction for Seminole County Florida Case Number 06-001024MMA.

CAUSE

1. **Alleged new criminal conduct occurring while on supervision:** On January 28, 2006, the defendant was arrested by officers with the Altamonte Springs Florida Police Department and was charged with DUI, Alcohol or Drugs, First Offense. He was subsequently charged in Seminole County Court, Sanford, Florida, Docket # F06-001024MMA and convicted of this offense on February 24, 2006. This is in violation of the conditions of supervision as set forth in the Judgment, which prohibits the defendant from committing another Federal, State or local crime while under supervision.

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Offender: **Jeffrey Earnhardt**
Docket: **CR200-00038-003**
Date Prepared: **April 7, 2006**

On February 24, 2006, Mr. Earnhardt entered a plea of nolo contendere to Driving Under the Influence in Seminole County Court, Sanford, Florida, Case Number 06-001024MMA. The Court adjudicated him guilty of this offense; placed him on supervised probation for six months; ordered 50 hours of community service that he may buy out at a rate of \$10.00 per hour; enroll in Counter Attack School within 60 days; submit to urinalysis/breathalyzer of blood test at any time; impoundment of motor vehicle for 10 days; \$647.50 court costs and fine; and prohibition from consuming or possessing alcohol during probation.

Mr. Earnhardt signed a copy of the Probation Form 49, waiving his right to a hearing on this matter and requesting this modification of his sentence. I explained to Mr. Earnhardt I would be approaching the Court, requesting this intermediate sanction be added to his sentence. He stated he understands the sanction and also understands the authority to approve or deny this request rests solely with the Court.

Mr. Earnhardt continues to participate in both outpatient substance abuse and mental health treatment at this time. Based upon the facts stated in this petition, it is respectfully recommended the Court approve this modification of sentence at this time.

Respectfully submitted,



J. Curtis Towers, Jr.
Senior, U.S. Probation Officer

Date: April 7, 2006

Approved,



John W. Mason, Supervising
U. S. Probation Officer

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Offender: **Jeffrey Earnhardt**
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THE COURT ORDERS

The Extension and/or Modification of Supervision as Noted Above.
 No Action
 Other



Signature of Judicial Officer

4-19-06

Date

PROB 49
(3/90)

United States District Court
Middle District of Florida

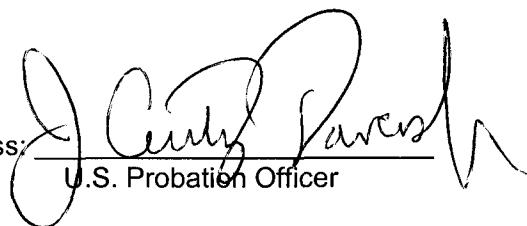
**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

You shall perform 50 hours of community service as directed by your United States Probation Officer. This community service obligation will be served in addition to your original community service obligation ordered in this case, as well as any community service hours performed as a sanction for Seminole County Florida Case Number 06001024MMA.

Witness:



J. Cindy Powers

U.S. Probation Officer

Signed:



J. H. [Signature]

Probationer or Supervised Releasee

3/23/06
Date